

# **Exhibit H**



**From:** jeffrey.saltman@fischllp.com  
**Subject:** Re: Juniper v. Swarm: Motion to Dismiss  
**Date:** July 22, 2020 at 11:31 AM  
**To:** Michael Kelly <mkelly@beusgilbert.com>  
**Cc:** Leo Beus <lebeus@beusgilbert.com>, Reed Willis <rwillis@beusgilbert.com>, "asteyer@steyerlaw.com" <asteyer@steyerlaw.com>, "sjain@steyerlaw.com" <sjain@steyerlaw.com>, Aidan Miller <amiller@beusgilbert.com>

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Hi Michael,

Thank you for your email. We're considering your extension offer and will revert back to you on that.

Juniper's complaint sets forth the law and facts supporting its jurisdictional allegations. Swarm submitted evidence bearing on jurisdiction in its motion to dismiss and supporting declarations. And Juniper is entitled to test that evidence. Indeed, the Northern District routinely permits jurisdictional discovery. It has explained that requests for such discovery "should ordinarily be granted where 'pertinent facts bearing on the question of jurisdiction are controverted or where a more satisfactory showing of the facts is necessary.'" *See, e.g., Gillespie v. Prestige Royal Liquors Corp.*, 183 F. Supp. 3d 996, 1001 (N.D. Cal. 2016); *Focht v. Sol Melia, S.A.*, No. C-10-0906 EMC, 2010 WL 3155826, at \*1-2 (N.D. Cal. Aug. 9, 2010); *Zithromia Ltd. v. Gazeus Negocios De Internet SA*, No. 3:17-cv-06475-JD, 2018 WL 6340875, at \*3 (N.D. Cal. Dec. 5, 2018) (Donato, J.). Juniper's request meets this standard, as Swarm contends facts regarding its patent enforcement program and its contacts with the Northern District.

With this explanation and law, please let me know if Swarm will reconsider its position regarding our request for a limited 30(b)(6) deposition. If not, please let me know if Swarm is available for a meet and confer tomorrow at 4 pm ET. Thank you.

Regards,  
Jeff

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**From:** Michael Kelly <mkelly@beusgilbert.com>  
**Date:** Tuesday, July 21, 2020 at 6:36 PM  
**To:** Jeff Saltman <Jeffrey.Saltman@fischllp.com>, Alan Fisch <Alan.Fisch@fischllp.com>  
**Cc:** Leo Beus <lebeus@beusgilbert.com>, Reed Willis <rwillis@beusgilbert.com>, "asteyer@steyerlaw.com" <asteyer@steyerlaw.com>, "sjain@steyerlaw.com" <sjain@steyerlaw.com>, Aidan Miller <amiller@beusgilbert.com>  
**Subject:** RE: Juniper v. Swarm: Motion to Dismiss

Jeff -

Juniper has the burden of establishing personal jurisdiction and venue, and we do not believe Juniper is entitled to conduct discovery on these issues at this juncture. Accordingly, Swarm respectfully declines your request for a 30(b)(6) deposition.

Swarm will accommodate your request for a 14 day extension, provided that you also include a 14 day extension for Swarm's reply in your stipulation.

Regards,  
Michael

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**From:** Jeff Saltman <Jeffrey.Saltman@fischllp.com>  
**Sent:** Tuesday, July 21, 2020 8:24 AM  
**To:** asteyer@steyerlaw.com; sjain@steyerlaw.com; Leo Beus <lbeus@beusgilbert.com>; Michael Kelly <mkelly@beusgilbert.com>; Reed Willis <rwillis@beusgilbert.com>  
**Cc:** Juniper Team <Juniper@fischllp.com>  
**Subject:** Re: Juniper v. Swarm: Motion to Dismiss

Counsel,

I am following up on the email below. Please let me know if Swarm agrees to produce a witness for the targeted 30(b)(6) deposition and to the 14-day extension. Thank you.

Regards,  
Jeff

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**From:** Jeff Saltman <[Jeffrey.Saltman@fischllp.com](mailto:Jeffrey.Saltman@fischllp.com)>  
**Date:** Friday, July 17, 2020 at 11:10 AM  
**To:** "[asteyer@steyerlaw.com](mailto:asteyer@steyerlaw.com)" <[asteyer@steyerlaw.com](mailto:asteyer@steyerlaw.com)>, "[sjain@steyerlaw.com](mailto:sjain@steyerlaw.com)" <[sjain@steyerlaw.com](mailto:sjain@steyerlaw.com)>, "[lbeus@beusgilbert.com](mailto:lbeus@beusgilbert.com)" <[lbeus@beusgilbert.com](mailto:lbeus@beusgilbert.com)>, "[mkelly@beusgilbert.com](mailto:mkelly@beusgilbert.com)" <[mkelly@beusgilbert.com](mailto:mkelly@beusgilbert.com)>, "[rwillis@beusgilbert.com](mailto:rwillis@beusgilbert.com)" <[rwillis@beusgilbert.com](mailto:rwillis@beusgilbert.com)>  
**Cc:** Juniper Team <[Juniper@fischllp.com](mailto:Juniper@fischllp.com)>  
**Subject:** Juniper v. Swarm: Motion to Dismiss

Counsel,

Based on the representations Swarm made in its motion to dismiss, Juniper requests a half-day 30(b)(6) deposition of Swarm on venue and jurisdiction issues. The deposition would be done remotely given the current pandemic, and limited to the following 30(b)(6) topics.

1. Swarm's promotion, licensing, sale, or enforcement efforts related to U.S. Patent Nos. 9,146,777, 9,852,004, and 10,952,275 (the Patents-in-Suit) or other Swarm patents or patent applications.
2. The contacts, activities, and interactions of Swarm or its representatives within the State of California, and specifically the Northern District of California.
3. The subject matter of and factual basis for the July 14, 2020 declarations of John Fisher and Alfonso Iniguez.

To allow for the scheduling of the deposition and for it to be incorporated into Juniper's response brief, we also intend to ask for a 14-day extension to file that response.

Please let me know if Swarm agrees to produce a witness for the targeted 30(b)(6) deposition and to the 14-day extension. Thank you.

Regards,  
Jeff

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